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. 8	BEFORE THE BOARD OF REGISTERED NURSING
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
10	
11	In the Matter of the Accusation Against: Case No. 2010 - 385
12	DIANE HIGGINS DAVIN 9630 Bruceville Road, Apt. 106-246
13	Elk Grove, California 95757 ACCUSATION
14	Registered Nurse License No. 617361
15	Respondent.
16	
17	Complainant alleges:
18	<u>PARTIES</u>
19	1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20	official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
21	Department of Consumer Affairs.
22	Registered Nurse License
23	2. On or about April 18, 2003, the Board issued Registered Nurse License Number
24	617361 to Diane Higgins Davin ("Respondent"). The registered nurse license was in full force
25	and effect at all times relevant to the charges brought herein and will expire on November 30,
26	2010, unless renewed.
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### STATUTORY PROVISIONS

- 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.
- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
  - 5. Code section 2761, subdivision (a) states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct....

### **COST RECOVERY**

6. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

#### BACKGROUND

7. On October 26, 2006, J.S. (an 18 year old patient at Kaiser), accompanied by his parents, went to Kaiser Permanente at Bruceville Road, Sacramento, California for an urgent care appointment for a psychiatric exam. Shortly after arriving at Kaiser, after he was registered, J.S. bolted from the building without being triaged or seen by a physician.

# **CAUSE FOR DISCIPLINE**

# (Unprofessional Conduct)

7. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, in that on or about October 26, 2006, while on duty as a registered nurse at Kaiser Permanente, Bruceville Road, Sacramento,

California, Respondent falsified patient J.S.'s medical record in order to process him out of the system. Respondent documented J.S.'s medical record to show that he had been triaged as a non-2 urgent walk-in and that he left without being seen. However, J.S. had not been triaged or treated 3 by any physician on that date. PRAYER 5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, 6 and that following the hearing, the Board of Registered Nursing issue a decision: 7 Revoking or suspending Registered Nurse License Number 617361, issued to Diane 8 Higgins Davin; Ordering Diane Higgins Davin to pay the Board of Registered Nursing the reasonable 2. 10 costs of the investigation and enforcement of this case, pursuant to Business and Professions 11 Code section 125.3; and, 12 Taking such other and further action as deemed necessary and proper. 13 14 15 16 2/16/10 DATED: 17 Interim Executive Officer 18 Board of Registered Nursing Department of Consumer Affairs 19 State of California Complainant 20 21 22 23 24 25 26 . 27 SA2009102141

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